FILED
FEB 18 1988
CLERK

No. 87-930

In The
Supreme Court of the United States
October Term, 1987

JAMES D.,
Petitioner,

vs.

STATE OF CALIFORNIA,
Respondent.

On Petition for Writ of Certiorari To the Supreme Court of The State of California

RESPONDENT'S BRIEF IN OPPOSITION

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QUESTIONS PRESENTED

1.

Whether a truancy detention based on reasonable suspicion and articulable facts constitutes an unreasonable search or seizure under the Fourth Amendment?

2.

Whether a truancy detention based on reasonable suspicion and articulable facts violates the due process clause of the Fourteenth Amendment?

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RESPONDENT'S BRIEF IN OPPOSITION

OPINIONS BELOW

The opinion of the California Supreme Court is published as *In re James D.*, 43 Cal.3d 903 (1987) and is reprinted in Petitioner's Appendix A. The opinion of the California District Court of Appeal was originally published at 164 Cal.App.3d 515 (1984) and is reprinted in Petitioner's Appendix B.

JURISDICTION

The jurisdictional requisites are adequately set forth in the Petition.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The provisions of the Fourth and Fourteenth Amendments to the United States Constitution and the statutory scheme of compulsory education set forth in the California Education Code are adequately set forth in Petitioner's Appendix C, with the exception of Education Code section 48205, which in pertinent part provides:

> [A] pupil shall be excused from school for justifiable personal reasons, including, but not limited to, an appearance in court, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or an employment conference, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative. . . .

STATEMENT OF THE CASE

On May 4, 1983, Respondent, the People of the State of California, charged Petitioner, in Juvenile Court, with violating California Health and Safety Code section 11377, possession of LSD.

At a subsequent juvenile court jurisdictional hearing Petitioner moved to suppress the LSD. He claimed that

the seizure of the LSD was the product of an unlawful detention.

Testimony presented at the suppression hearing established that at 10:30 a.m., February 28, 1983, two officers of the Newport Beach Police Department were on routine patrol near the ocean. They noticed Petitioner walking on a sidewalk over a bridge. Petitioner was carrying a book bag. He appeared to be 15 or 16 years old. School was in session and Petitioner was three miles from the nearest high school. Suspecting Petitioner might be truant, the officers decided to ask him why he was not in school. The officers drove to where Petitioner was walking and stopped their car. As Petitioner approached, the officers stepped out of their car, and asked if they could talk with Petitioner. Petitioner said "Sure," and walked over to the police. The officers asked Petitioner if he had any identification. Petitioner said he had none. When asked where he was coming from, Petitioner said he had come from a friend's house. However, he could not remember the friend's name or point out the house. Petitioner became nervous and suddenly reached inside his jacket. The officers patted down the jacket for weapons and felt a hard object. When they attempted to remove the object, Petitioner resisted. Ultimately, a hairbrush fell out of the jacket along with a piece of paper containing dots of LSD. Petitioner was placed under arrest. (*In re James D.*, 43 Cal.3d 903, 908 (1987).)

At the conclusion of the suppression hearing, Petitioner argued that since he was a 17-year-old high school graduate, he was not subject to compulsory education laws. Thus, the officers were not empowered to detain him, and

the discovery of the LSD violated his Fourth Amendment rights against unreasonable searches and seizures. (*In re James D., supra,* 43 Cal.3d at 908.)

Respondent argued at the suppression hearing that the interaction between Petitioner and the police was not a detention or seizure but a mere contact or consensual encounter. Alternatively, if a detention occurred, it was lawful. In either case the discovery of the LSD was proper. (*In re James D., supra,* 43 Cal.3d at 909.)

The juvenile court suppressed the evidence. The court concluded that the interaction constituted a detention. Believing that state compulsory education laws did not apply to those over 16 years old, the court concluded that the police did not have a reasonable suspicion that the Petitioner was a truant. Consequently, the trial court suppressed the LSD and dismissed the case. (*In re James D., supra,* 43 Cal.3d at 908-911, 913, 918.)

Respondent appealed the juvenile court ruling. The California District Court of Appeal affirmed the suppression order. In addition, the appellate court held that truancy detentions require more than reasonable suspicion or even probable cause; they require an "actual knowledge of the student's truant status before any encounter." (*In re James D.,* 164 Cal.App.3d 515, 517, 521 (1984).)

Respondent appealed again, this time to the California Supreme Court. The California Supreme Court reversed both lower courts and remanded the case to juvenile court. First, since the juvenile court had assumed the interaction between the police and Petitioner was a detention, it never considered whether the interaction was a consensual encounter. The juvenile court was ordered to consider and

resolve that issue. Second, since it erroneously assumed 17-year-olds were exempt from compulsory education, the juvenile court never decided whether the truancy detention was based upon reasonable suspicion supported by articulable facts. Hence, the juvenile court was ordered to resolve that issue. (*In re James D., supra,* 43 Cal.3d at 918.)

REASONS FOR DENYING THE WRIT

Certiorari should be denied because the holdings of the California Supreme Court in *In re James D.,* 43 Cal.3d 903 (1987) were based upon and are consistent with the Fourth and Fourteenth Amendments to the United States Constitution as well as precedents established by the United States Supreme Court.

First, the California Supreme Court held that the Fourth Amendment is not triggered if an interaction between a government official and a suspect amounts only to a "consensual encounter" rather than a "seizure." (*In re James D., supra,* 43 Cal.3d at 911-913.) This holding is consistent with *Florida v. Royer,* 460 U.S. 491, 497-499 (1983), *United States v. Mendenhall,* 446 U.S. 544, 554 (1980), and *INS v. Delgado,* 466 U.S. 210, 215-217 (1984).

Second, the California Supreme Court held that a truancy detention is justified "when there are specific articulable facts causing an officer to suspect, reasonably, that a truancy violation is occurring, and that the person he intends to detain is a truant." (*In re James D., supra,* 43 Cal.3d at 913-917.) This holding is consistent with the Fourth and Fourteenth Amendments and with *Brown v.*

Texas, 443 U.S. 47, 50-51 (1979) and *United States v. Brignoni-Ponce,* 422 U.S. 873, 881-882 (1975).

Finally, the theoretical foundations underlying these holdings were based on federal precedent and the California Supreme Court's interpretation of California statutes.

ARGUMENT

1.

TRUANCY DETENTIONS BASED ON REASONABLE SUSPICION AND ARTICULABLE FACTS ARE NOT PROHIBITED BY THE FOURTH AMENDMENT.

The highest priority of society is the education of its children. Education ranks at "the very apex of the function of a State." (*Wisconsin v. Yoder,* 406 U.S. 205, 213 (1972).) Education is perhaps "the most important function of state and local governments." (*Brown v. Board of Education,* 347 U.S. 483, 493 (1954).)

> Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic responsibilities. . . . It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. (*Brown v. Board of Education, supra,* 347 U.S. at 493.)

Like every other state, California has made school attendance compulsory. (*Serrano v. Priest,* 5 Cal.3d

584, 604-610 (1971).) To enforce compulsory education in California, the state legislature has given both school officials and peace officers the power to "arrest" truants. Section 48264 of the State Education Code provides:

> The attendance supervisor, a peace officer, or any school administrator or his designee, may arrest or assume temporary custody, during school hours, of any minor subject to compulsory full-time education or to compulsory continuation education found away from his home and who is absent from school without valid excuse. . . .

Importantly, a truancy "arrest" is very limited in scope and is significantly different from a typical criminal arrest. Unlike a criminal arrest, the arresting officer of a truant "shall" deliver the truant "forthwith" to his home, his school, or a guidance counselor. (Education Code § 48265.) Minors "arrested" for truancy are not transported to jail. They are not incarcerated. They are not booked. They are not fingerprinted and photographed. In short, they are not treated like criminals. "The sole purpose of a truancy 'arrest' is to return the absent student to school as expeditiously as possible." (*In re James D.*, 43 Cal.3d 903, 915 (1987).) Such an arrest "is a severely limited type of arrest and may not be used as a pretext for investigating criminal matters." (*In re Miguel G.*, 111 Cal.App.3d 345, 349 (1980); *In re Jorge S.*, 74 Cal.App.3d 852 (1977).) "The effect of a [truancy] arrest . . . is very different from the effect of a typical criminal arrest," primarily because with a truancy "arrest," "the emphasis is not on punishment, but on correction of truancy, i.e., to promote attendance in order that students may be educated." (*In re James D., supra*, 43 Cal.3d at 910.)

The power to arrest necessarily includes the preliminary and less intrusive power to detain. When the California legislature gave school officials and peace officers the power to "arrest" truants, it simultaneously and implicitly empowered them to temporarily detain suspected truants. Thus, under California law, peace officers and school officials may temporarily detain school age children, during school hours, for the limited purpose of ascertaining whether they are absent from school without valid excuse. (*In re James D., supra,* 43 Cal.3d at 909-911.) To hold otherwise would derail the mechanism designed to enforce compulsory education.

Truancy detentions are also valid under federal constitutional law. This was the precise issue addressed in the present case by the California Supreme Court.

The lower court reached two basic conclusions. First, the Fourth Amendment is not triggered if the interaction between an official and a minor amounts only to a "consensual encounter" rather than a "seizure." (*In re James D., supra,* 43 Cal.3d at 911-913.) Second, "a detention to investigate whether a person is a truant is justified when there are specific articulable facts causing an officer to suspect, reasonably, that a truancy violation is occurring, and that the person he intends to detain is a truant." (*In re James D., supra,* 43 Cal.3d at 913, 916-917.) These conclusions were based on and are consistent with precedents established by the United States Supreme Court. (*Florida v. Royer,* 460 U.S. 491, 497-498 (1983); *United States v. Mendenhall,* 446 U.S. 544, 554 (1980); *Brown v. Texas,* 443 U.S. 47, 50-51 (1979); *United States v. Brignoni-Ponce,* 422 U.S. 873, 881-882 (1975); *INS v. Delgado,* 466 U.S. 210, 215-217 (1984).)

Analyzing truancy detentions "in the abstract," the California Supreme Court balanced the relevant public and private interests.

> The federal test for determining whether a detention is justified involves a weighing of (i) the public interest served by the seizure, the degree to which the seizure advances the public interest, and the severity of the interference with individual liberty (e.g. *Brown v. Texas,* 443 U.S. 47, 50-51 (1979) and (ii) the officer's reasonable suspicion that a crime has occurred or is occurring. (*In re James D., supra,* 43 Cal.3d at 914; see also *United States v. Brignoni-Ponce, supra,* 422 U.S. at 881, and *New Jersey v. T.L.O.,* 469 U.S. 325, 337 (1985).)

The lower court concluded that the governmental interest in enforcing compulsory education is "substantial." (*In re James D., supra,* 43 Cal.3d at 915.) Other courts have classified the government's interest in the welfare and education of children as "compelling," "fundamental," and "transcendent." (*Wisconsin v. Yoder, supra,* 406 U.S. at 213-214; *Ginsburg v. New York,* 390 U.S. 629, 640 (1968); *Serrano v. Priest, supra,* 5 Cal.3d at 604-610.)

Furthermore, the lower court found that truancy detentions and arrests "substantially advance the public interest in enforcing the state's compulsory education laws." (*In re James D., supra,* 43 Cal.3d at 915.) In fact, truancy detentions are "the *only effective means* of identifying and locating truants." (*In re James D., supra,* 43 Cal.3d at 915.)

In contrast to the "substantial," "fundamental" and "compelling" interest in enforcing compulsory education, the California Supreme Court found the interference with personal liberty resulting from a truancy detention to be

"slight." (*In re James D., supra,* 43 Cal.3d at 915.) Truancy detentions are very limited. They are restricted to daylight hours when school is in session. They are applicable only to school age children. They are limited to ascertainnig whether a child is absent from school without valid excuse. They must be based on an articulable and reasonable suspicion. They cannot be used as a pretext to investigate more serious criminal activity. In fact, police have virtually no incentive to exploit truancy detentions. Since they do not involve "real crime," truancy detentions and arrests are not the sort of thing upon which promotions are based.

> Questioning must, of course, be strictly limited to the purpose of the stop. (Citations.) As explained above, the sole purpose of a truancy "arrest" is to return the absent student to school as expeditiously as possible. . . . [T]he sole purpose of a truancy *detention* is to investigate whether a particular person is a truant, and if he is in fact a truant, to place him under a § 48264 "arrest" in order to return him to school. (*In re James D., supra,* 43 Cal.3d at 915-916.)

The California Supreme Court concluded that the slight intrusion on a minor's liberty caused by a truancy detention does not outweigh the substantial governmental interest in enforcing compulsory education. "We are unwilling to conclude that the limited and brief intrusion required for such investigative detention outweighs the legitimate governmental interest here involved." (*In re James D., supra,* 43 Cal.3d at 916.) Accordingly, truancy detentions are not barred by the Fourth Amendment. Plus, police and children are not enemies. Detentions designed to further education will benefit children both in the short term and in the long run.

Obviously, the power to detain truants is not limitless. Each particular detention must be supported by "sufficient objective facts." (*In re James D., supra,* 43 Cal.3d at 916.) Consistent with the Fourth Amendment and federal precedent, the California Supreme Court held that truancy detentions must be based upon "specific and articulable facts" which create a "reasonable suspicion" of truancy. (*In re James D., supra,* 43 Cal.3d at 916.)

Whether a particular school official or peace officer has an articulable suspicion will depend on the totality of the circumstances. Each case will involve a different combination of innumerable and often unique factors.

However, one factor necessary to a lawful truancy detention is that school is in session. The fact that a detention took place at night or on a weekend would automatically render the official's suspicion unreasonable. Thus, one of the articulable facts necessary to a lawful truancy detention is that it take place during school hours.

Another key factor is the minor's age. Does he appear to be school age? If not, a truancy detention might not be justified.

Petitioner continues to complain that "youthful appearance is an inherently subjective factor and hence cannot serve as a basis for detention." (*In re James D., supra,* 43 Cal.3d at 916.) In rejecting this argument, the lower court found youthful appearance to be not only "highly relevant," but also "objectively verifiable." (*In re James D., supra,* 43 Cal.3d at 917.) "The judge at the suppression hearing should be able to determine, from looking at the defendant . . . whether the officer's estimation of age was reasonable." (*In re James D., supra,* 43 Cal.3d at 916.)

Consistent with the Fourth Amendment, police may stop a car driven by someone who appears to be too young to possess a driver's license. Consistent with the Fourth Amendment, an officer may detain a person who appears to be too young to possess or purchase alcohol. In short, youthful appearance is a factor which police legitimately rely on in initiating all sorts of investigative detentions. Thus, reliance on youthful appearance in detaining suspected truants is not prohibited by the Fourth Amendment.

Petitioner also argues that it is unreasonable to base truancy detentions on youthful appearance alone. We agree. So did the California Supreme Court. "[A] proper detention . . . cannot be based on youthful appearance alone." (*In re James D., supra,* 43 Cal.3d at 917.) "[Y]outhful appearance and nothing more would not justify a detention to investigate whether a person is a truant. . . ." (*In re James D., supra,* 43 Cal.3d at 917.) Youthful appearance is obviously only one of several factors school officials and peace officers consider in initiating truancy detentions. Another prime factor is whether school is in session at the time. Other relevant factors include the location of the minor, his direction of travel, his attire, and his activity. In the present case, Petitioner appeared to be school age. School was in session at the time. Petitioner was walking on a bridge near the ocean. He was at least three miles from the nearest school. He was carrying a book bag. (*In re James D., supra,* 43 Cal.3d at 917.) Again, the analysis by the California Supreme Court harmonizes with the Fourth Amendment.

Petitioner further contends that, before a truancy detention can be initiated, the official must have "actual

notice'' from the school that the child is absent. This ''actual notice,'' or reporting requirement, is inconsistent with the legislative history of compulsory education laws in California. The original statute which gave rise to Education Code § 48264 was enacted in 1903 and gave attendance officers the power to arrest children actually reported by the school to be truant. (Education Code § 16831, Stats. 1903, Ch.270, p.390, § 5.) In 1907, this statute was amended to authorize truancy arrests by peace officers. (Education Code § 16831, Stats. 1907, Ch.77, p.96, § 3.) The prerequisite that the officer receive a specific report of truancy before the arrest remained in the statute until 1974. In 1974, the reporting requirement was abolished. (Education Code § 12405, Stats. 1974, Ch.257, p.656, § 1.)

Petitioner's proposed reporting or ''actual notice'' requirement also ignores the practical realities of education in California. Approximately five million children in California are subject to compulsory education laws. (Appendix A.) The Los Angeles School District alone has about five hundred thousand students. (*In re James D., supra,* 43 Cal.3d at 915.) The daily number of absences in larger school districts reaches into the thousands. For schools to provide peace officers with the names and descriptions of these absentees would be impractical. No officer could possibly be expected to familiarize himself with the names and descriptions of the hundreds and thousands of youngsters who will be absent on any given day. ''[W]e find it 'ludicrous to assume that law enforcement and school officials would have the slightest chance intercepting those few students [actually] known by them to be truant.' '' (*In re James D., supra,* 43 Cal.3d at 915.)

As a practical matter, investigative detentions based on reasonable suspicion are "the *only effective means* of identifying and locating truants." (*In re James D., supra,* 43 Cal.3d at 915.)

Petitioner also disagrees with the California Supreme Court ruling that state compulsory education laws justify truancy detentions of children from age 6 to age 18. Since Petitioner was 17 at the inception of this case, he naturally argues that the cut-off line for truancy detentions should have been drawn at 16.

Authorizing truancy detentions of children ages 6-18 is based upon a reasonable interpretation of state statute.

> [T]he legislative scheme provides that unless *a person between the ages of 16 and 18* is (i) enrolled in a continuing education program, (ii) is a high school graduate or has passed the "proficiency examination," or (iii) qualifies under other miscellaneous exemptions, he "*must be enrolled in a compulsory full-time education program and must be in school during school hours or else he is subject to a section 48264 arrest.*" (*In re James D., supra,* 43 Cal.3d at 909-910, quoting *In re Miguel G., supra,* 111 Cal.App.3d at 349.)

Authorizing truancy detentions of those between 16 and 18 is statistically sound. During the 1985-1986 school year, the number of children ages 16-18 in California was 1,145,181. Only 56,629 or 5% of those were exempt from attending school. Hence, 19 out of 20 16-18 year olds in the state population are subject to compulsory education. Moreover, on a given day, 53,121 or 5% of the 16-18 year olds are enrolled in compulsory continuation education. The remaining 90% are subject to compulsory full time education. Therefore, about 9 out of 10 16-18 year olds in

the state are subject to full time compulsory education. Including 16 and 17 year olds in the age group of truancy detentions is reasonable. (Appendix B.) Thus, authorizing such detentions does not violate the Fourth Amendment.

In conclusion, a truancy detention based on reasonable suspicion and articulable facts does not constitute an unreasonable search or seizure under the Fourth Amendment. So long as they have an articulable reasonable suspicion, school officials and peace officers may temporarily detain school age children, during school hours, for the limited purpose of ascertaining whether they are absent from school without excuse.

2.

TRUANCY DETENTIONS BASED ON REASONABLE SUSPICION AND ARTICULABLE FACTS DO NOT VIOLATE THE DUE PROCESS CLAUSE OF THE FOURTEENTH AMENDMENT.

Petitioner contends that truancy detentions made pursuant to Education Code § 48264 are unconstitutional under the Fourteenth Amendment of the United States Constitution. He argues that suspected truants are denied due process because there are no guidelines governing such detentions. He is mistaken.

First, truancy detentions must be carried out within the confines of the Fourth Amendment. As previously discussed, such detentions must be based on a reasonable and articulable suspicion of truancy. This is a well-established standard familiar to cops and courts. The Fourth Amendment parameters of reasonable and articulable suspicion satisfy the requirements of due process.

Second, the California Education Code sets statutory standards and limitations for truancy arrests and detentions. Education Code § 48264 defines truancy as being "absent from school without valid excuse." Contrary to Petitioner's assertion, the Education Code also provides guidance as to what constitutes a valid excuse. Sections 48221, 48222, 48223, 48224, 48226, 48447, and 48410 list those who are exempt from compulsory education. (Petitioner's Appendix C.) Education Code § 48205 further defines what constitutes a valid excuse.

> . . . a pupil shall be excused from school for justifiable personal reasons, including, but not limited to, an appearance in court, observance of a holiday or ceremony of his or her religion, attendance at religious retreats, or an employment conference, when the pupil's absence has been requested in writing by the parent or guardian and approved by the principal or a designated representative. . . .

Contrary to Petitioner's contentions, there are both constitutional and statutory standards governing truancy detentions made under Education Code § 48264. These standards satisfy the requirements of due process. Therefore, such truancy detentions do not violate the Fourteenth Amendment of the United States Constitution.

———o———

CONCLUSION

The decision of the California Supreme Court in the present case was based upon and is consistent with the constitutional requirements of both the Fourth and Fourteenth Amendments. Accordingly, and for all the above reasons, the Petition for Writ of Certiorari should be denied.

Dated: February 17, 1988.

Respectfully submitted,

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APPENDIX A*

COMPULSORY FULL-TIME

Number of students in public schools (1984-85)

Kindergarten and grades one through eight	2,800,296
Grades nine through twelve	1,278,447
Special classes	72,367
Total	4,151,110

Number of students in private schools (1984-85)

Kindergarten	60,795
Elementary school	356,468
High School	122,864
Total	540,127

COMPULSORY PART-TIME

Cumulative total at year end (1984-85)	101,021
Average enrollment (1984-85)	50,715

*At the request of the California Supreme Court, the California State Department of Education compiled these statistics and submitted them to the California Supreme Court on April 30, 1986.

APPENDIX B*

*At the request of the California Supreme Court, the California State Department of Education compiled the following statistics and submitted them to the California Supreme Court on July 22, 1987.

COMPULSORY CONTINUATION EDUCATION

		1983-1984		1984-1985		1985-1986	
	A. *Number of Age 16-18:*						
	• In California	1,183,591		1,141,562		1,145,181	
	• In Grades 10/11/12	903,604	(76.3%)	914,281	(80.1%)	937,029	(82.0%)
E.C. 48400	B. *Number Enrolled:*						
	• In Continuation Educ. (Cumulative)	99,645	(8.4%)	101,021	(8.8%)	104,175	(9.1%)
	• Are 16-18	88,186	(7.5%)	90,414	(7.9%)	94,695	(8.3%)
	• Under Age 16	11,459	(0.9%)	10,607	(0.9%)	9,480	(0.8%)
	• Single-day totals[1]			52,539		53,121	
	Note: The percentages that follow are based on the total cumulative enrollment in continuation education for each of the school years.						
	(1) Required Attendance:						
E.C. 48400	• Four Hours Per Week	5,280	(5.8%)	6,781	(6.7%)	7,307	(7.0%)
	(2) Required Attendance						
E.C. 48402	• Fifteen Hrs. Per Week	93,825	(94.2%)	94,240	(93.3%)	96,868	(93.0%)

[1]Single-day totals are not cumulative and indicate the approximate number of children actually enrolled in the continuation education program at a given time.

E.C. 48410	C. *Attendance Exemptions:*				
	-a	(1) Graduated or Equivalent	8,977 (9.0%)	9,285 (9.2%)	9,776 (9.4%)
	-b	(2) Public or Private School	11,359 (11.4%)	16,659 (16.5%)	14,435 (16.7%)
	-b	(3) Part-time/Other Agencies	5,274 (5.3%)	3,375 (3.3%)	3,749 (3.6%)
	-c	(4) Phys./Mental/ Dependents	830 (0.8%)	734 (0.75%)	708 (0.7%)
	-d	(5) Attend Reg. Occup. Center	213 (0.2%)	354 (0.4%)	505 (0.5%)
	-e	(6) Passed Proficiency Exam	888 (0.9%)	918 (0.9%)	850 (0.8%)
	-f	(7) Attend Adult Classes (4 hr.)	3,954 (4.0%)	4,151 (4.1%)	4,655 (4.5%)
	-g	(8) Arrival (10 days end term)	—	—	—
		(9) Other Legal Exemptions:			
—		• Deceased	52 (6.0%)	58 (0.6%)	62 (0.6%)
E.C. 48400		• Left at age 18	6,321 (6.3%)	5,136 (5.1%)	4,904 (4.7%)
E.C. 48400		• To Work Program— Age 18	2,152 (2.2%)	2,963 (2.9%)	2,488 (2.4%)

E.C. 48410b	• Enlisted in Military	168 (0.2%)	242 (2.9%)	255 (0.2%)
E.C. 48232	• Authorized Leave of Abs.	—	162 (0.1%)	120 (0.1%)
E.C. 48915	• Expulsion	511 (0.5%)	466 (0.5%)	420 (0.4%)
E.C. 48263	• Habitual Truant	3,828 (3.8%)	4,239 (4.2%)	3,578 (3.4%)
	D. *Required But Do not Attend:*			
	• Marriage	404 (0.4%)	338 (0.3%)	278 (0.3%)
	• Parent Request	481 (0.5%)	—	57 (0.05%)
	• Moved-Destination Unknown	7,207 (7.2%)	6,429 (6.4%)	6,819 (6.5%)
	C.-D. *TOTAL NUMBER AND PERCENTAGE*	52,619 (54.9%)	55,507 (54.9%)	56,629 (54.4%)